

Before the
Federal Communications Commission
Washington, D C **20554**

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| In the Matter of |) | |
| |) | |
| Request for Review of the |) | |
| Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Ubly Community Schools |) | File No. SLD-245845 |
| Ubly, Michigan |) | |
| |) | |
| Federal-State Joint Board on |) | CC Docket No. 96-45 |
| Universal Service |) | |
| |) | |
| Changes to the Board of Directors of the |) | CC Docket No. 97-21 J |
| National Exchange Carrier Association, Inc. |) | |

ORDER

Adopted: January 14,2003

Released: January **15,2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Ubly Community Schools (Ubly), Ubly, Michigan, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Ubly requests review of SLD's refusal to consider Ubly's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we grant Ubly's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on September 14,2001, denying Ubly's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Ubly's request for discounts for Internet access, Funding Request Number (FRN) 594720. On October 15,2001, Ubly filed an appeal of SLD's decision to deny FRN 594720.³ On November 2,2001, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Ubly's appeal because it was received more than

¹ Letter from Evelyn Smaglinski, Ubly Community Schools, to Federal Communications Commission, filed March 4,2002 (Request for Review).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Evelyn Smaglinski, Ubly Community Schools, dated September **14, 2001** (Funding Commitment Decision Letter).

³ Letter from David Landeryou, Ubly Community Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed October **15,2001** (Request for Administrator Review).

30 days after the September 14, 2001 Funding Commitment Decision Letter was issued! Ubly subsequently filed the instant appeal with the Commission.

3. For requests seeking review of decisions issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision that the party seeks to have reviewed.⁵ Documents are considered to be filed with the Commission only upon receipt.⁶ Because the 30-day period has been extended by an additional 30 days for requests for review, Ubly's October 15, 2001 appeal should have been considered timely filed. Accordingly, we grant Ubly's Request for Review and direct SLD to review Ubly's appeal to SLD.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the appeal filed by Ubly Community Schools, Ubly, Michigan on March 4, 2002, IS GRANTED to the extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to David Landeryou, Ubly Community Schools, dated November 2, 2001 (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720(b). See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. December 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, ~~Errata~~ (Com. Car. Bur. rel. December 28, 2001 and January 4, 2002).

⁶ 47 C.F.R. § 1.7.